

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)
4) DISMISSAL AND
5 MUR 7346) CASE CLOSURE UNDER THE
6 Dr. Richard A. Johnson, III) ENFORCEMENT PRIORITY
7 and Sabrina Yves Lewis-Jones, as Treasurer) SYSTEM
8 Richard A. Johnson)
9)

10
11 **GENERAL COUNSEL'S REPORT**

12 Under the Enforcement Priority System, the Commission uses formal scoring criteria as a
13 basis to allocate its resources and decide which matters to pursue. These criteria include, without
14 limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking into
15 account both the type of activity and the amount in violation; (2) the apparent impact the alleged
16 violation may have had on the electoral process; (3) the complexity of the legal issues raised in the
17 matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as
18 amended (the "Act"), and developments of the law. It is the Commission's policy that pursuing
19 relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial
20 discretion to dismiss cases under certain circumstances.

21 The Office of General Counsel has scored MUR 7346 as a low-rated matter and has
22 determined that it should not be referred to the Alternative Dispute Resolution Office.¹ For the
23 reasons set forth below, we recommend that the Commission dismiss the allegations that Richard A.
24 Johnson², or Dr. Richard A. Johnson, III and Sabrina Yves Lewis-Jones, in her official capacity as
25 treasurer (the "Committee"), violated the Act or Commission regulations, and remind Johnson and

¹ The EPS rating information is as follows:
N/A.

Complaint Filed: March 8, 2018. Response Filed:

² Texas Secretary of State records show that Johnson was on the ballot for the March 6 2018, Democratic primary election for Texas' 18th Congressional District. Johnson lost the election with 14.7% of the vote (5,622 votes). Johnson did not file a Statement of Candidacy, however on March 5, 2018, the committee filed a Statement of Organization for "Dr. Richard A. Johnson, III," which listed Dr. Sabrina Yves Lewis-Jones as treasurer. The Committee did not file any disclosure reports.

1800N44UN1410-1

1 the Committee of filing requirements for federal candidates and principal or authorized campaign
2 committees.

3 The Complaint suggests that Johnson's campaign exceeded the \$5,000 contribution or
4 expenditure threshold for federal candidates, and alleges that the Committee has received and made
5 illegal contributions and expenditures.³ The Complaint also alleges that Johnson has not filed a
6 Statement of Candidacy, and the Committee has not registered and reported with the Commission as
7 a political committee.⁴ Neither Johnson nor the Committee responded to the Complaint.

8 Within fifteen days of becoming a candidate,⁵ the candidate must designate a principal
9 campaign committee by filing a Statement of Candidacy.⁶ The principal campaign committee must
10 then file a Statement of Organization no later than ten days after designation by the candidate.⁷

11 The available information is insufficient to determine if or when Johnson became a federal
12 candidate, and under the circumstances of this case, we believe further inquiry would not be a
13 prudent use of agency resources.⁸ Therefore, we recommend that the Commission dismiss as a
14 matter of prosecutorial discretion⁹ the allegations that Johnson and the Committee violated the Act
15 or Commission regulations and remind Johnson and the Committee of the filing and reporting

³ Compl. at 1 (Mar. 8, 2018).

⁴ *Id.*

⁵ The Act defines a "candidate" as "an individual who seeks nomination for election, or election, to Federal office," and an individual is deemed to seek nomination for election, or election, if he or she has received or made, or has authorized another person to receive or make, aggregate contributions or expenditures exceeding \$5,000. 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a).

⁶ 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

⁷ 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

⁸ The Complaint attached copies of campaign website pages, but provided no documentation regarding alleged illegal contributions or expenditures. The Complaint indicates that the candidate must have exceeded the \$5,000 expenditure threshold because the Committee had a website, and paid for campaign materials, including signs and brochures. Johnson did not file a Statement of Candidacy or any campaign finance reports.

⁹ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

18047442081

1 requirements for federal candidates and principal or authorized campaign committees. We also
2 recommend that the Commission approve the attached Factual and Legal Analysis, close the file as
3 to all Respondents, and send the appropriate reminder letters.

4 **RECOMMENDATIONS**

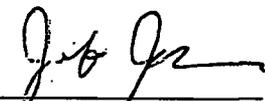
- 5 1. Dismiss the allegations that Richard A. Johnson, and Dr. Richard A. Johnson, III and
6 Sabrina Yves Lewis-Jones, in her official capacity as treasurer, violated the Act and
7 Commission regulations, pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985);
8
9 2. Remind Richard A. Johnson, and Dr. Richard A. Johnson, III and Sabrina Yves
10 Lewis-Jones, in her official capacity as treasurer, of the filing and reporting
11 requirements for federal candidates and principal or authorized campaign committees;
12
13 3. Approve the attached Factual and Legal Analysis and the appropriate letters; and
14
15 4. Close the file as to all respondents.

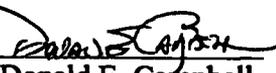
16 Lisa J. Stevenson
17 Acting General Counsel
18

19
20 Kathleen M. Guith
21 Associate General Counsel
22

23
24 9.20.18
25 Date

26 BY: 
27 Stephen Gura
28 Deputy Associate General Counsel

29 
30 Jeff S. Jordan
31 Assistant General Counsel
32

33 
34 Donald E. Campbell
35 Attorney
36

37
38 **Attachments:**

- 39 1. Factual and Legal Analysis
40
41

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Dr. Richard A. Johnson, III
and Sabrina Yves Lewis-Jones, as treasurer
Richard A. Johnson

MUR 7346

I. INTRODUCTION

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (“the Act”) and Commission regulations by Richard A. Johnson and Dr. Richard A. Johnson, III and Sabrina Yves Lewis-Jones, in her official capacity as treasurer (the “Committee”). It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint suggests that Johnson’s campaign exceeded the \$5,000 contribution or expenditure threshold for federal candidates, and alleges that the Committee has received and made illegal contributions and expenditures.¹ The Complaint also alleges that Johnson has not filed a Statement of Candidacy, and the Committee has not registered and reported with the Commission as a political committee.² Neither Johnson nor the Committee responded to the Complaint.

¹ Compl. at 1 (Mar. 8, 2018).

² *Id.*

1 **B. Legal Analysis**

2 Within fifteen days of becoming a candidate³, the candidate must designate a principal
3 campaign committee by filing a Statement of Candidacy.⁴ The principal campaign committee
4 must then file a Statement of Organization no later than ten days after designation by the
5 candidate.⁵

6 The available information is insufficient to determine if or when Johnson became a federal
7 candidate, and under the circumstances of this case, further inquiry would not be a prudent use of
8 agency resources.⁶ Therefore, the Commission dismisses as a matter of prosecutorial discretion⁷
9 the allegations that Johnson and the Committee violated the Act or Commission regulations and
10 reminds Johnson and the Committee of the filing and reporting requirements for federal
11 candidates and principal or authorized campaign committees.

³ The Act defines a "candidate" as "an individual who seeks nomination for election, or election, to Federal office," and an individual is deemed to seek nomination for election, or election, if he or she has received or made, or has authorized another person to receive or make, aggregate contributions or expenditures exceeding \$5,000. 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a).

⁴ 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

⁵ 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

⁶ The Complaint attached copies of campaign website pages, but provided no documentation regarding alleged illegal contributions or expenditures. The Complaint indicates that the candidate must have exceeded the \$5,000 expenditure threshold because the Committee had a website, and paid for campaign materials, including signs and brochures. Johnson did not file a Statement of Candidacy or any campaign finance reports.

⁷ See *Heckler v. Chaney*, 470 U.S. 821 (1985).